

**DAVID HONIG'S HAND-OUT**  
**ACHIEVEMENTS OF THE FCC'S ADVISORY COMMITTEE ON**  
**DIVERSITY FOR COMMUNICATIONS IN THE DIGITAL AGE**

September 29, 2003 – November 29, 2006

**SUMMARY**

The Advisory Committee has taken up 56 matters, as follows:

- Incubated a program (Supplier Diversity) to be operated in the nonprofit sector
- Produced two reports on workplace diversity, which the Commission has under consideration
- Offered five recommendations that the Commission has approved
- Offered 43 recommendations that the Commission has under consideration
- Full committee and original four subcommittees are considering six additional matters

An Education Subcommittee and a Council of State Commissioners and Regulators were created December 10, 2004. Neither entity has convened.

**FULL COMMITTEE**

1. A Blueprint for Diversity (under consideration by full committee)
2. Tax Incentive Program (adopted 6/14/04 and pending); resolution for a renewed legislative recommendation drafted by the Financial Issues Subcommittee (4/25/06) and awaiting a vote of full Committee.

**FROM THE FINANCIAL ISSUES SUBCOMMITTEE**

1. Waivers of the structural ownership rules for sales to SDBs (adopted 6/14/04). Policy statement sought. Pending.
2. Waivers of the structural ownership rules for incubators and financing programs (adopted 6/14/04). Policy statement sought. Pending.
3. Waivers of the structural ownership rules for share-times (adopted 6/14/04). Policy statement sought. Pending.
4. Waivers of the attribution rules (adopted 6/14/04). Policy statement sought. Pending.
5. First place in line for future duopolies (adopted 6/14/04). Policy statement sought. Pending.
6. Waivers of the construction permit expiration rule (adopted 6/14/04). Policy statement sought. Pending.
7. Clearinghouse of properties for sale (adopted 6/14/04). Internal appropriation sought. Pending.
8. Create a Fund of Funds (adopted 6/14/04). Coordination with other agencies sought. Pending.
9. Reaffirmation and revision of the Distress Sale Policy (adopted 6/14/04). Policy statement sought. Pending.
10. Foreign broadcast ownership (§310(b)(4) relaxation (adopted 12/10/04). Policy statement sought. Pending.
11. Community Reinvestment Act revisions (adopted 12/10/04). Legislative recommendation sought. Pending.

12. Merger divestitures (adopted 12/10/04). Policy statement sought. Pending.

#### **FROM THE CAREER ADVANCEMENT SUBCOMMITTEE**

1. "Workplace Diversity: A Global Necessity and an Ongoing Commitment" (report issued 5/25/04). Promotion of report sought. Pending.
2. "Best of the Best Practices" (report issued 12/10/04). Promotion of report sought. Pending.
3. Online Diversity Resource (adopted 12/10/04. **Approved** (FCC News Release, "FCC Diversity Advisory Committee Launches New Web Resource Directory" (3/9/05)).
4. Revised EEO Rule – Career Advancement (adopted 12/10/04). NPRM sought. Pending.

#### **FROM THE NEW TECHNOLOGIES SUBCOMMITTEE**

1. Supplier Diversity Program (concept adopted 6/14/04; initial meeting held under MMTC's sponsorship 12/9/04). No FCC action required.
2. Loan guarantee program (adopted 6/14/04). Legislative recommendation sought. Pending.
3. Entity to purchase loans in secondary market (adopted 6/14/04). Legislative recommendation sought. Pending.
4. Security interests in FCC licenses (adopted 6/14/04). Policy statement sought. Pending.
5. Expansion and recalibration of the Telecommunications Development Fund (adopted 6/14/04). Legislative recommendation sought. Pending.
6. Auction vouchers or credits for those pledging service to underserved markets (adopted 6/14/04). NPRM sought. Pending.
7. Auction vouchers or credits for those joint venturing with SDBs (adopted 6/14/04). NPRM sought. Pending.
8. Expedited review of transactions where applicant provided public notice to minorities (adopted 6/14/04). Policy statement sought. Pending.
9. Forbear from 310(d) pre-approval for certain telecom or common carrier applications (adopted 6/14/04). Rulemaking decision sought. Pending.
10. Diversity Impact Statement in transfer and assignment applications (adopted 6/14/04). NPRM sought. Pending.
11. Increase spectrum, power levels in Part 15 rules (adopted 6/14/04). NPRM sought. Pending.
12. Fast track equipment certification in Part 15 rules (adopted 6/14/04). Policy statement sought. Pending.
13. Increase terms of experimental licenses and STAs (adopted 6/14/04). NPRM sought. Pending.
14. Increase value of bidding credits (adopted 6/14/04). NPRM sought. Pending.
15. Focus auctions on MSAs and RSAs (adopted 6/14/04). Internal priorities sought. Pending.
16. Forbear from pre-approval for certain spectrum lease agreements (adopted 6/14/04). Rulemaking decision sought. Pending.
17. Public education initiative for emerging technologies, aimed at new entrants (adopted 6/14/04). Interagency coordination sought. Pending.

18. Annual FCC conference on new technologies (adopted 6/14/04). Internal appropriation sought. Pending.
19. Database on license sales, spectrum leasing and other opportunities (adopted 6/14/04). Internal appropriation sought. Pending.
20. Create medium power FM stations (adopted 10/4/04). NOI or NPRM sought. Pending.
21. Replace the FM Table with interference-based allotment criteria (adopted 10/4/04). **Approved** (Revision of Procedures Governing Amendments To FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services, FCC 06-163 (11/29/06)).
22. Allow Class A stations to use lower towers and higher power (adopted 10/4/04). NPRM sought. Pending.
23. Conduct a comprehensive channel search for new FM allotments (adopted 10/4/04). NPRM or internal appropriation sought. Pending.
24. Harmonize regional interference protection standards (adopted 10/4/04). NPRM sought. Pending.
25. Repeal the third-adjacent FM contour rules (adopted 10/4/04). NPRM sought. Pending.
26. Relax the community of license and transmitter site rules (adopted 10/4/04). NPRM sought. Pending.
27. Authorize interference agreements (adopted 10/4/04). NPRM sought. Pending.
28. Require same-day upgrades of entitlements to bidding credits in FM Auction 37 (adopted 10/4/04). Procedural clarification sought. **Approved** (PN, DA 04-3252, 10/18/04).
29. Retain Designated Entity Program in Wireless Auction 58 (adopted 10/4/04). Rulemaking decision sought. **Approved** (MO&O, FCC 04-249, 10/15/04).
30. Universal Service Fund recalibration (being considered by subcommittee)
31. Review of auctions' effectiveness in promoting diversity (being considered by subcommittee)
32. DTV transition review – multicast must carry and vouchers (being considered by subcommittee)
33. Migration of AM band (being considered by subcommittee)

#### **FROM THE TRANSACTIONAL TRANSPARENCY SUBCOMMITTEE**

1. Transparency rule revisions and anti-fraud enforcement in the designated entity program (adopted 6/14/04). NPRM and enforcement actions sought. Pending.
2. Diversity Credits (adopted 6/14/04). Technical advice sought. Pending.
3. Transactional Nondiscrimination Rule (adopted 6/14/04). NPRM or policy statement sought. Pending.
4. Designated Entity Investment Rules (adopted 4/25/06). **Approved** (Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures, FCC 06-52, 21 FCC Rcd 4753 (4/25/06) (subsequent history omitted)).
5. Transactional Best Practices review (being considered by subcommittee)

Revised 12/13/06

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## DAVID HONIG'S HAND-OUT

### Recommendation to the Federal Communications Commission's Advisory Committee on Diversity for Communications in the Digital Age

April 25, 2006

#### **Further Recommendation on a Tax Incentive Program**

On May 25, 2004, upon the recommendation of the Financial Issues Subcommittee, the Advisory Committee unanimously adopted the following recommendation:

Be it resolved that the Advisory Committee on Diversity for Communications in the Digital Age urges the adoption of a Federal program that would use the deferral of Federal capital gains tax liability as an incentive to make available to socially and economically disadvantaged persons and businesses the opportunity to acquire assets necessary to enter the broadcasting and telecommunications marketplace.

The Advisory Committee reaffirms that a tax incentive program is urgently needed to enable socially and economically disadvantaged persons and businesses to participate effectively in the information economy. In each year since 1996, the Commission's recommendations to Congress have endorsed the creation of such a program, and leaders of major media and telecom organizations have also voiced their enthusiastic support.

Therefore, be it resolved that the Advisory Committee for Diversity for Communications in the Digital Age urges the Commission to recommend to Congress that a Federal program that would use the deferral of Federal capital gains tax liability as an incentive to make available to socially and economically disadvantaged persons and businesses the opportunity to acquire assets necessary to enter the broadcasting and telecommunications marketplace be adopted as part of, or as a complement to, the new telecommunications legislation presently under consideration.